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08/977,846	11/25/1997	JOHN O. RYAN	M-2338-3C-US	3572

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EXAMINER

DIXON, THOMAS A

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 10/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/977,846

Applicant(s)

RYAN, JOHN O.

Examiner

Thomas A. Dixon

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 33-59 is/are pending in the application.
- 4a) Of the above claim(s) 2-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 33-42, 48-21, 58-59 is/are rejected.
- 7) ☒ Claim(s) 43-47 and 52-57 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 34, 37
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination

1. The request filed on 28 August 2002 for an RCE based on parent Application No. 08/977,846 is acceptable and an RCE has been established. An action on the RCE follows.
2. The information disclosure statement filed 25 March 2002 has been considered.
3. The information disclosure statement filed 28 August 2002 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the foreign references referred to therein have not been considered.
4. Applicant's arguments filed 9 September 2002 have been fully considered but they are not fully persuasive. Further review of Nagashima has necessitated modifications to the original rejections, see below.

As per claim 1.

Applicant argues that Nagashima does not disclose:
a database,
selecting data from the database in response to the accepted selections, or
store and output received content.

Examiner disagrees, Nagashima discloses a database, presets for an AM and an FM tuner, see figure 1 (1, 2) and further, FM1 and FM2 with it's hierarchical database as seen in figure 7; selecting data from the database in response to the accepted selections, see page 6, lines 16-24; and store and output received content, see page 9, lines 22-24.

As per dependent claim 35.

Applicant argues that Nagashima does not disclose a magnetic disk, Nagashima discloses both a RAM and a ROM. The alternatively claimed magnetic disk is not seen to be patentably distinct, it is simply a memory; a ROM or RAM or RAM disk or

Art Unit: 3629

magnetic disk. Further, Nagashima discloses non-volatile memories such as ROM, see figure 1 (13), audio tape (4) and optical disk (3).

As per dependent claim 36.

Applicant argues that Nagashima does not disclose the received and stored data is audio data. Upon further review, it is seen that Nagashima discloses, page 9, lines 22-24, demodulating the signal into a RAM. Demodulating, by its definition is recovering information from a previously modulated carrier (audio form) into a digital form usable by the controller and RAM.

As per dependent claim 37.

Applicant argues that neither Nagashima, Lovett nor Rovira disclose "audio data is digitized and compressed",

Examiner disagrees, upon further review, it is seen that Nagashima discloses, page 9, lines 22-24, demodulating the signal into a RAM. Demodulating, by its definition is recovering information from a previously modulated carrier (audio form) into a digital form usable by the controller and RAM.

Rovira ('040) teaches conversion, compression and encryption of data are well known for the benefit of increased speed and security of data transmission, see page 12, lines 5-16.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to digitize and compress the data transmission for the benefit of increased speed of data transmission.

As per dependent claim 38.

Applicant argues that neither Nagashima, Lovett nor Rovira disclose "audio data is encrypted",

Examiner disagrees, upon further review, it is seen that Nagashima discloses, page 9, lines 22-24, demodulating the signal into a RAM. Demodulating, by its definition is recovering information from a previously modulated carrier (audio form) into a digital form usable by the controller and RAM.

Rovira ('040) teaches conversion, compression and encryption of data are well known for the benefit of increased speed and security of data transmission, see page 12, lines 5-16.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to digitize and encrypt the data transmission for the benefit of increased security of data transmission.

As per dependent claims 40, 41 and 42.

Applicant argues that neither Nagashima nor Rovira disclose alphanumeric data that has been converted from analog form to digital form,

Examiner disagrees, upon further review, it is seen that Nagashima discloses, page 9, lines 22-24, demodulating the signal into a RAM. Demodulating, by its definition

Art Unit: 3629

is recovering information from a previously modulated carrier (audio/analog form) into a digital form usable by the controller and RAM.

As per dependent claim 47.

Applicant argues that Nagashima in view of Rovira does not disclose a control for determining a speed at which the speech producing sub-system outputs the analog signal. Applicant's argument is convincing, the rejection is withdrawn.

As per dependent claim 51.

Applicant argues that Nagashima does not disclose a hierarchy for a database. Nagashima discloses an AM and an FM tuner, see figure 1 (1, 2) and further, FM1 and FM2 with it's hierarchical database as seen in figure 7.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 33-36, 39-40, 48-51, 58-59 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagashima (GB 2 259 204 A).

As per Claim 1.

Nagashima ('204) discloses:

a tuner for receiving a broadcast signal, see figure 1 (1, 2);

a memory coupled to the tuner for storing data in the received broadcast signal in a database, see figure 1 (13, 14), figure 7 and page 8, line 8-15 and page 21, lines 6-17;

a user interface for providing a set of menus describing the database, and for accepting selections from the set of menus, see figure 7 and page 8, line 3-6;

a controller coupled to the memory and the user interface for selecting data from the database in response to the accepted selections and providing the selected data in a digital form, figure 6 (s52-s54) and page 20, line 17 – page 22, line 5;

a speech producing sub-system coupled to the controller and the memory for converting the selected data from digital form to an analog signal, see figure 1 (16) and page 12, line 16 – page 13, line 18 and page 14, lines 9-20.

As per Claim 33.

Nagashima ('204) further discloses the memory stores the entire database, see page 4, lines 8-15.

As per Claim 34.

Nagashima ('204) further discloses the memory comprises a combination of volatile RAM and non-volatile memory, see figure 1 (13,14).

As per Claim 35.

Nagashima ('204) further discloses non-volatile memories such as ROM, see figure 1 (13), audio tape (4) and optical disk (3).

As per Claim 36.

Nagashima ('204) further discloses the received audio data has been converted from analog form to digital form, see page 9, lines 22-24.

As per Claim 39.

Nagashima ('204) further discloses the data is alphanumeric data, see figures 7 and 8 and page 9, lines 1-8 and the received data has been converted from analog to digital form, see page 9, lines 22-24.

As per Claim 40.

Nagashima ('204) further discloses the data is converted to voice by a speech synthesizer, see figure 8 (TRAFFIC INFORMATION SPEECH SYNTHESIZER).

As per Claim 48.

Nagashima ('204) further discloses the tuner channel skips to tune to a particular transmitter, see figure 3 (S21).

As per Claim 49.

Nagashima ('204) further discloses an amplifier, see figure 1 (8).

As per Claim 50.

Nagashima ('204) further discloses means for connecting the receiving system to an automobile radio set, see page 2, line 24 – page 3, line 1.

As per Claim 51.

Nagashima ('204) further discloses a hierarchy for the database, see figures 7, 8 and 9.

As per Claim 58.

Nagashima ('204) discloses:

receiving the information, see page 18, lines 2-9;

storing the received information in a database, see column 18, lines 9-18 ;

providing a set of menus describing the database, see figure 7 and page 10, lines 12-21;

accepting selections from the set of menus, see page 14, line 21 – page 15, line 14;

providing the selected data in digital form, see page 18, lines 9-18; and

converting the selected data to an analog signal, see page 10, lines 4-11, and page 18, line 18 – page 19, line 1.

Art Unit: 3629

As per Claim 59.

Nagashima ('204) further discloses the received information is transmitted by a broadcast signal, see page 3, line 17 – page 4, line 7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 37-38, 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagashima (GB 2 259 204 A) in view of Rovira (WO 92/10040).

As per Claim 37.

Nagashima ('204) does not disclose the received audio data has been compressed.

Rovira ('040) teaches conversion, compression and encryption of data are well known for the benefit of increased speed and security of data transmission, see page 12, lines 5-16.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to digitize and compress the data transmission for the benefit of increased speed of data transmission.

As per Claim 38.

Nagashima ('204) does not disclose the received audio data has been encrypted.

Rovira ('040) teaches conversion, compression and encryption of data are well known for the benefit of increased speed and security of data transmission, see page 12, lines 5-16.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to digitize and encrypt the data transmission for the benefit of increased security of data transmission.

As per Claim 41.

Nagashima ('204) does not disclose a decryptor for decrypting the data.

Rovira ('040) teaches conversion, compression and encryption of data are well known for the benefit of increased speed and security of data transmission, see page

Art Unit: 3629

12, lines 5-16 and further a decryptor for decrypting, see page 14, lines 7-12 for the benefit of reversing the encryption, compression and conversion of the broadcast data.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to decrypt the data transmission for the benefit of reversing the encryption, compression and conversion of the broadcast data.

As per Claim 42.

Nagashima ('204) does not disclose a decompression algorithm for decompressing the data.

Rovira ('040) teaches conversion, compression and encryption of data are well known for the benefit of increased speed and security of data transmission, see page 12, lines 5-16 and further a decompression, see page 14, lines 7-12 for the benefit of reversing the encryption, compression and conversion of the broadcast data.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to decompress the data transmission for the benefit of reversing the encryption, compression and conversion of the broadcast data.

Allowable Subject Matter

7. Claims 43-47, 52-57 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As per Claim 43.

Nagashima ('204) in view of Rovira ('040) does not disclose or fairly teach a key is received by the tuner

As per Claim 44.

Nagashima ('204) in view of Rovira ('040) does not disclose or fairly teach a key device operatively connected to the decryptor.

As per Claim 45.

Nagashima ('204) in view of Rovira ('040) does not disclose or fairly teach the user interface is voice activated.

As per Claim 46.

Nagashima ('204) in view of Rovira ('040) does not disclose or fairly teach: a manual input device adapted to be mountable on an automobile steering wheel; and a link from the manual input device to the controller.

As per Claim 47.

Art Unit: 3629

Nagashima ('204) in view of Rovira ('040) does not disclose or fairly teach a control for determining the speed at which the speech output device outputs the analog signal.

As per Claim 52-56.

Nagashima ('204) in view of Rovira ('040) does not disclose or fairly teach a memory stores the data received in a random access memory up to the capacity of the random access memory before transferring said data to one of a disk medium or a tape medium.

As per Claim 57.

Nagashima ('204) in view of Rovira ('040) does not disclose or fairly teach a speed of transmission of the data in the broadcast signal is varied to most efficiently use the available bandwidth.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Thomas A. Dixon
Examiner
Art Unit 3629

October 28, 2002